

**TOWN OF DAVIE
REGULAR MEETING
APRIL 21, 2004**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:39 p.m. and was followed by the Pledge of Allegiance led by Troop 128.

2. ROLL CALL

The meeting was called to order at 6:50 p.m. Present were Mayor Truex, Vice-Mayor Paul, Councilmembers Crowley, Hubert and Starkey (departed at 8:09 p.m.). Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1. National Fair Housing Month (April 2004)

Director of Housing and Community Development Shirley Taylor-Prakelt recognized the efforts of HOPE and HUD in bringing fair housing programs and policies to the Town's residents. She introduced Bill Thompson, president and CEO of HOPE, Inc. and presented the Town's proclamation declaring April 2004 as National Fair Housing Month. Mr. Thompson spoke highly of Ms. Taylor-Prakelt's efforts to promote affordable housing, and thanked the Town for the proclamation.

3.2. Orange Blossom Committee Volunteers

Mayor Truex thanked various volunteers for their help coordinating the 67th Annual Orange Blossom Parade.

3.3. Sean Sullivan, Eagle Project

Councilmember Starkey presented Eagle Scout Sean Sullivan with a proclamation from the Town declaring April 21, 2004 as Sean Sullivan Day, in recognition of his assistance provided to the Rick and Rita Case Boys and Girls Club.

3.4. Quarterly Employee Recognition

Mark Alan, the Town's Director of Human Resource Management, presented the 2004 first quarter Employee Recognition Award recipients selected by the Town's Employee Recognition Committee. Those employees selected were Officer Curtis Mancini, who lost his life serving in the military overseas, and to Officer Thomas Gresko, Police Service Aide Gregory Ryan, and Detective Ronald Bradley.

3.5. Everglades Restoration.

John Crouse, of the Broward County Department of Planning and Environmental Protection, and Peg McPherson, of the South Florida Water Management District, spoke of the Everglades Task Force that was working on reducing pollution in the Everglades. Mr. Crouse asked that the Town join the task force along with neighboring municipalities and environmental groups in these efforts. He announced that the first meeting of the task force would be held on May 21st and invited the Town to attend.

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Mayor Truex advised that item 4.7 needed to be tabled to May 5, 2004

Vice-Mayor Paul made a motion, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 8.1 needed to be tabled to May 5, 2004

Vice-Mayor Paul made a motion, seconded by Councilmember Crowley, to table to May 5, 2004. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 6.28 needed to be tabled to June 2, 2004.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 4.24 needed to be added to the agenda.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Proclamations

- 4.1. Municipal Clerks Week (May 2 - 8, 2004)
- 4.2. Joan Barren Day - Super Senior (May 12, 2004)
- 4.3. Mary Warren Day - Super Senior (May 12, 2004)
- 4.4. Duke Wollschlager Day - Super Senior (May 12, 2004)
- 4.5. Emergency Medical Services Week (May 16-22, 2004)

Home Occupational License

- 4.6. Central Service & Supply Co., Inc., 13770 SW 16 Street

Resolutions

- 4.7. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DELETING A TEN-FOOT LANDSCAPE EASEMENT FROM THE RIVERSTONE PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 2-1-04, Riverstone, 4200 Shotgun Road) (tabled from April 7, 2004)
 - 4.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A STATE HIGHWAY LIGHTING MAINTENANCE AND COMPENSATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND PROVIDING FOR AN EFFECTIVE DATE. (non-budgeted; \$2,600) (tabled from April 7, 2004)
- R-2004-71

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- 4.9. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-85 SUPPORTING AND AUTHORIZING THE APPLICATION FOR A \$365,000 GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, YEAR 2004 TRANSPORTATION ENHANCEMENT PROGRAM, AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION (WITH AN IN-KIND MATCH). (in-kind match of staff time)
- 4.10. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-73 SUPPORTING AND AUTHORIZING THE APPLICATION FOR A \$120,000 GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, YEAR 2004 TRANSPORTATION ENHANCEMENT PROGRAM, AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION (WITH \$120,000 IN MATCHING FUNDS).
- 4.11. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-74 AUTHORIZING THE SUBMISSION OF A CONCEPT PAPER TO THE HIGHWAY SAFETY GRANT PROGRAM FOR THE DAVIE BOOSTER SEATS SAFETY PROGRAM; AUTHORIZING SUBMISSION OF A GRANT APPLICATION IF REQUESTED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (NO MATCHING FUNDS).
- 4.12. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-75 AUTHORIZING THE APPLICATION FOR A \$ 125,775 GRANT FROM THE 2004 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$53,895 IN MATCHING FUNDS).
- 4.13. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-76 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DUNCAN ASSOCIATES FOR MISCELLANEOUS PLANNING SERVICES.
- 4.14. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-77 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LARUE PLANNING & MANAGEMENT SERVICES, INC. FOR MISCELLANEOUS PLANNING SERVICES.
- 4.15. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-78 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ADVANCED DATA PROCESSING, INC. TO PROVIDE EMS BILLING SERVICES. (\$80,000)

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- 4.16. **WAIVER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-79 AUTHORIZING THE WAIVING OF RENTAL FEES FOR USE OF THE DAVIE
PINE ISLAND PARK GYMNASIUM AND CYPRESS HALL ON MAY 16TH 2004
TO HOST THE SECOND ANNUAL MISS DAVIE PAGEANT. (Waiver of \$1,090)
- 4.17. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2004-80 THE BID FOR THE SUPPLY AND INSTALLATION OF AN IRRIGATION
SYSTEM AT FALCON'S LEA PARK. (\$27,500 - Windmill Sprinkler Co.)
- 4.18. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2004-81 THE BID FOR VISTA FILARE DRAINAGE IMPROVEMENTS. (\$360,500 -
Engineer Controls Systems Corp.)
- 4.19. **NOTIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2004-82 REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION
NOTIFY THE TOWN WHEN TREES AND/OR LANDSCAPING ARE BEING
REMOVED AS PART OF FDOT IMPROVEMENT PROJECTS; AND PROVIDING
FOR AN EFFECTIVE DATE.
- 4.20. **PLAN ADOPTION** - A RESOLUTION OF THE TOWN OF DAVIE, ADOPTING
R-2004-83 THE LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR 2004/05 TO 2006/07
UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL
AGREEMENT WITH BROWARD COUNTY FOR THE ESTABLISHMENT AND
ADMINISTRATION OF A JOINT LOCAL HOUSING ASSISTANCE PROGRAM
FOR 2004/05 TO 2006/07; APPROVING DAVIE'S HOUSING DELIVERY
GOALS/SHIP BUDGET STRATEGIES FOR FY 2004/05; AND PROVIDING FOR
AN EFFECTIVE DATE.

Temporary Use Permits

- 4.21. TU 3-3-04, East Coast Cycles, 8242 State Road 84
- 4.22. TU 3-4-04, Nova Southeastern University, 1904 South University Drive
- 4.23. TU 4-2-04, Southern Homes of Davie, 12740 Trotter Boulevard
- 4.24. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING
R-2004-84 SUPPORTING ANDRX CORPORATION'S EXPANSION OF ITS
PHARMACEUTICAL MANUFACTURING PLANT IN THE TOWN OF DAVIE
AND SUPPORTING ITS FUTURE APPLICATION FOR THE FLORIDA
QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM.

Vice-Mayor Paul requested that item 4.15 be removed from the Consent Agenda. Councilmember Crowley requested that item 4.8 be removed. Mayor Truex request that items 4.2, 4.3, 4.4., 4.9 and 4.20 be removed.

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Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to approve the Consent Agenda minus items 4.2, 4.3, 4.4, 4.8, 4.9, 4.15, and 4.20. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

- 4.2 Mayor Truex read a proclamation declaring May 12, 2004 as Joan Barren Day.
- 4.3 Mayor Truex read a proclamation declaring May 12, 2004 as Mary Warren Day.
- 4.4 Mr. Wollschlager was not present.

4.2, 4.3 and 4.4 Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Mayor Truex, to excuse Councilmember Starkey. In a voice vote, all voted in favor. (Motion carried 4-0)

4.8 Mr. Kutney explained the funding request.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve for two months. In a voice vote, all voted in favor with Councilmember Starkey being absent. (Motion carried 4-0)

4.9 Mayor Truex wanted to ensure the existing bus shelters would not be displaced. Assistant Town Administrator Ken Cohen indicated that the new bus shelters would have no impact on existing ones. He advised that staff had designed the proposed shelters to include advertising. Mayor Truex spoke of his concerns about maintenance. Mr. Cohen suggested having the advertiser pay for maintenance as well.

Mayor Truex made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, all voted in favor with Councilmember Starkey being absent. (Motion carried 4-0)

4.15 Vice-Mayor Paul asked how the agreement had been changed. Fire Chief Don DiPetrillo indicated that a scrivener's error was changed.

Vice-Mayor Paul made a motion, seconded by Councilmember Crowley, to approve.

Mayor Truex indicated there were other companies besides ADP that serviced the area and felt the contract should be bid out for competition. He asked Mr. Kiar which exception applied to this contract with regard to bidding out contracts. Chief DiPetrillo explained how specialized billing services applied in relation to this contract.

In a voice vote, all voted in favor, with Mayor Truex dissenting and Councilmember Starkey being absent. (Motion carried 3-1)

4.20 Mayor Truex voiced his objection to some of the language in Section III.

Ms. Taylor-Prakelt indicated that although the Town could amend Davie's section, it could not amend the County's language.

Mayor Truex made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor, with Councilmember Starkey being absent. (Motion carried 4-0)

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4.13 Mayor Truex asked about the contract and inquired if the Town would use an attorney without going through the Council. Mr. Willi explained that this firm would be part of a team that would be used by the applicant for cost recovery. He added that the firm would be working for the Planning and Zoning Division on the applicant's project. Mr. Willi advised that the client would be billed for the work and the Town would be reimbursed. Planning and Zoning Manager Fernando Leiva indicated that this would not be part of cost recovery. Mr. Willi indicated that the intent was to have outside consultants in place for projects with demands outside of the scope of normal staff routine. He stated that the Town would charge the applicant for their services to offset the cost to the Town. Mr. Willi stated that no attorney would be used unless approved by the Council.

6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 2004-11 6.1. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-9; AMENDING SECTION 2-73(e) OF THE DAVIE CODE OF ORDINANCES ENTITLED, "DAVIE COMMUNITY RELATIONS ADVISORY BOARD"; REMOVING THE REQUIREMENT THAT THE TOWN COUNCIL APPOINT A COUNCILMEMBER TO THE DAVIE COMMUNITY RELATIONS ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing. As no one spoke, Mayor Truex closed the public hearing.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - absent. (Motion carried 4-0)

- 2004-12 6.2. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12.32 ENTITLED "TABLE OF PERMITTED USES" TO REVIEW MORTUARY USES AS A PERMITTED USE IN THE RESIDENTIAL OFFICE (RO) ZONING DISTRICT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing. As no one spoke, Mayor Truex closed the public hearing.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - out of the room; Councilmember Hubert - yes; Councilmember Starkey - absent. (Motion carried 3-0)

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6.3. **REVISIONS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2004-13 **AUTHORIZING A REVISION TO THE ESTIMATED REVENUES AND**
APPROPRIATIONS FOR THE FISCAL YEAR 2004.

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing. As no one spoke, Mayor Truex closed the public hearing.

Councilmember Hubert asked why the Town was revising the estimated revenues. Mr. Willi explained this was to show the different monies coming in, such as the Orange Blossom Festival, donations, and cost recovery.

Councilmember Crowley asked about tax exemption. Budget and Finance Director William Underwood explained the tax guidelines. Councilmember Hubert asked if the Town had a 501(C) 3 status. Mayor Truex indicated no and felt that Council could trust the information provided by the Town's auditors.

Vice-Mayor Paul made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - absent. (Motion carried 4-0)

Ordinances - First Reading (Second and Final Hearing to be held May 5, 2004)

6.4. **OCCUPATIONAL LICENSES - AN ORDINANCE OF THE TOWN OF DAVIE,**
FLORIDA, AMENDING THE TOWN'S OCCUPATIONAL LICENSE RATE
SCHEDULE IN ACCORDANCE WITH CHAPTER 205.0535(4) OF THE
FLORIDA STATE STATUTES BY INCREASING THE RATE OF EACH
CLASSIFICATION BY FIVE PERCENT; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance on May 5, 2004.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Paul asked if in-home piano lessons and tutoring would be included under occupational licensing. Mr. Leiva advised that this provision would be brought before the Planning and Zoning Board at its first meeting in May. Mr. Willi added that staff would rely on the occupational licensing clerk to make a determination if there was an existing category and if not; a recommendation to change the schedule would be made.

Councilmember Crowley voiced his opposition to the ordinance's impacts on small businesses.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, with the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - no; Councilmember Hubert - yes; Councilmember Starkey - absent. (Motion carried 3-1)

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- 6.5. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-9; DELETING SECTION 2-73(h) OF THE DAVIE CODE OF ORDINANCES ENTITLED, "JOINT ECONOMIC DEVELOPMENT STEERING COMMITTEE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance on May 5, 2004.

Mayor Truex opened the public hearing. As no one spoke, Mayor Truex closed the public hearing.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - absent. (Motion carried 4-0)

Ordinance - First Reading/Quasi Judicial Hearing (Second and Final Hearing to be held May 5, 2004)

- 6.6. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-9 (COUNTY), CEMETERY DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-1-04, Forest Lawn Memorial Gardens, 2401 Davie Road) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title.

Mayor Truex announced there would be a public hearing on this ordinance on May 5, 2004. Mayor Truex turned this portion of the meeting over to Mr. Kiar.

Mr. Kiar read the rules of the quasi-judicial hearing and swore in the witnesses.

Mr. Leiva summarized the planning report. Councilmember Crowley asked if the request was by staff or the property owner. Mr. Leiva indicated the request was by the property owner.

Edward Pulaski, representing the applicant, indicated that the application was amended to reflect that SCI along with Stillbrook Corporation of Florida were the owners. He spoke of the merits of the project and indicated the applicant volunteered to deed restrict the property only for a funeral home.

Mr. Kiar opened the public hearing. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Mayor Truex.

Councilmember Hubert made a motion, seconded by Vice-Mayor Paul, to approve subject to there being no crematorium. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - absent. (Motion carried 4-0)

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Quasi Judicial Item

- 6.7. V 1-2-04, Shaw, 4050 SW 56 Avenue (R-5) (to reduce the minimum side setback from 10 feet to 5.45 feet along the north property line and the minimum rear setback from 15 feet to 9.25 feet for an existing 14x16 foot shed) *Planning and Zoning Board recommended approval as long as the structure was used only for a storage shed*

Mayor Truex turned this portion of the meeting over to Mr. Kiar.

Mr. Kiar read the rules of the quasi judicial hearing and swore in the witnesses. Town Engineer Peters summarized the planning report.

Mr. Shaw, the applicant, explained his reasons for the variance request.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - absent. (Motion carried 4-0)

Item to be tabled

- 6.8. **STAFF REQUESTING A TABLING TO JUNE 2, 2004**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE OFFICIAL ZONING MAP FOR ZONING CONFORMANCE AREA 1 AND 2 AS REQUIRED BY THE TOWN OF DAVIE LAND DEVELOPMENT CODE; PROVIDING FOR REZONING OF ALL PROPERTY IN THE TOWN'S ZONING CONFORMANCE AREA 1 AND 2 IN CONFORMANCE WITH THE ZONING DESIGNATIONS CONTAINED ON THE OFFICIAL ZONING MAP OF THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

7. APPOINTMENTS

- 7.1. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

- 7.2. Budget Advisory Committee Board (one exclusive appointment - Councilmember Crowley; term expires April 2006) (members shall have experience in a financial related occupation, or similar skills)

No appointment was made.

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- 7.3. Child Safety Board (two exclusive appointments - Councilmembers Crowley, Hubert, and Starkey and Mayor Truex; one exclusive appointment - Vice-Mayor Paul; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 7.4. Community Relations Advisory Boards (two exclusive appointments - Vice-Mayor Paul; one exclusive appointment - Councilmembers Crowley and Hubert and Mayor Truex) (terms expire April 2006)

Vice-Mayor Paul appointed Pat Cardella and Jason Curtis.

- 7.5. School Advisory Board (two exclusive appointments - Mayor Truex; one exclusive appointment - Councilmember Crowley and Vice Mayor Paul; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

Mayor Truex appointed John Pisula.

- 7.6. Davie Water and Environmental Advisory Board (two exclusive appointments - Councilmember Crowley and Mayor Truex; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointments were made.

- 7.7. Open Space Advisory Committee Agency (two exclusive appointments - Mayor Truex; one exclusive appointment - Councilmember Starkey and Vice-Mayor Paul; terms expire April 2006)

No appointments were made.

- 7.8. Parks and Recreation Advisory Board Agency (two exclusive appointments - Councilmembers Crowley and Starkey and Mayor Truex; one exclusive appointment - Vice-Mayor Paul; terms expire April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Mayor Truex appointed Sandra Amaya.

- 7.9. Senior Citizen Advisory Committee terms expire April 2006) (two exclusive appointments - Councilmember Crowley; one exclusive appointment - Councilmember Hubert and Mayor Truex; members shall be a minimum 60 years of age)

No appointments were made.

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- 7.10. Community Redevelopment Agency (two non-exclusive appointments; term expires April 2008) (members shall either reside or engage in business within the jurisdiction of the Town)

Mayor Truex indicated that the Town had received information on three applicants for two positions.

Councilmember Crowley made a motion, seconded by Mayor Truex, to appoint Joan Kovac. In a voice vote, all voted in favor with Councilmember Starkey being absent. (Motion carried 4-0)

Mayor Truex recommended that Danny Belyeu be appointed. Vice-Mayor Paul recommended that Ms. Rose be reappointed.

Vice-Mayor Paul made a motion, seconded by Councilmember Crowley, to re-appoint Ms. Rose. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Starkey - absent. (Due to a 2-2 vote, the item was automatically tabled)

Mayor Truex suggested inviting Ms. Rose and Mr. Belyeu to meet with individual Councilmembers.

- 7.11. Unsafe Structures Board (three non-exclusive appointments; terms expire April 2007) (permanent resident or have their principal place of business within the Town's jurisdiction; one appointment shall be a citizen, one appointment shall be an attorney and one appointment shall be a real estate appraiser)

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to reappoint all members. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - absent. (Motion carried 4-0)

- 7.12. Metropolitan Planning Organization - Community Involvement Roundtable

After a brief explanation, Vice-Mayor Paul indicated that she would like to appoint someone from the Ivanhoe, Poinciana or Vista Filare areas. As there were no objections from Council, Vice-Mayor Paul indicated that she would provide a nomination at the next meeting.

8. OLD BUSINESS

- 8.1. Sector Planning

This item was tabled earlier in the meeting.

- 8.2. Sunny Lakes Grant Contract

Earlier in the meeting, Richard Rubin presented a conceptual site plan created by Earth Advisors with regard to turning Sunny Lake Park site into a sanctuary preserve. He advised that the Town was in a good position to receive state and Broward County grants for the project. Mr. Rubin asked Council to determine what level of funding it wanted to pursue and requested that Council consider rewording the contract language to indicate the Town was

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requesting a grant covering 50% of the purchase price. He asked that Councilmember Crowley consider allowing the contract two chances in the grant application process.

Mr. Kiar asked if there was a cap on expenses. Mr. Rubin advised that he was requesting a maximum of \$6,000. Councilmember Starkey asked if the expenses could be incorporated into a separate paragraph.

Mayor Truex inquired where the remaining 50% of funding would come from. Mr. Rubin replied there were various funding sources and advised that the County Land Preservation Trust still had funds available. He also advised that since the Town applied one year ago, this property was still eligible for funding.

Mr. Kiar indicated that he did not have figures related to the property price. He advised of a provision indicating that the agreement would be contingent upon the Town entering into a satisfactory purchase and sale agreement. Mr. Rubin indicated that if the Town applied for a 50% real estate grant, then 50% of the real estate grant was paid by the State.

Councilmember Hubert spoke of the acreage of commercial property that would be removed from the tax roll and inquired where the 44 flex units of affordable housing would go. Councilmember Starkey stated that it was at the discretion of the Council to determine when and where the units would go at the time when the project came up.

Vice-Mayor Paul asked about the trees and bird population. Mr. Rubin indicated that the proposal was to phase out the exotic trees. John Harris, of Earth Advisors, spoke about bird habitats and how they might be affected by changing the tree canopies over a period of years. He indicated that location and heights of the trees had to be factored in carefully in order to provide a better effect overall.

Mr. Willi spoke of the Town facilities shown on the site plan and opined that it would require a significant capital expenditure by the Town. He stated that if the Town was successful in receiving grants, the projects should be done on schedule. Councilmember Starkey stated that the County recognized that it was better to buy and acquire pristine lands now, then apply for improvement and maintenance grants later. Mr. Willi voiced his concern over the proposed expenditure but indicated that he had no problem moving forward with the grant application if Council was ready.

Mayor Truex asked if the Town could move forward with the grant application and then, if it was determined that the project was not feasible, could the Town pull the plug on the project. Mr. Willi advised that if the Town was going to proceed with investing in the project, it had to proceed with the grant. Mr. Willi indicated that the Town had the ability during the management phase to adjust some aspects of the scope of the project. Councilmember Starkey felt strongly that the Town had a good opportunity to receive County and State funding, thereby reducing the Town's expenditure for the project. Mr. Rubin referred Council to the portion of the contract outlining funding scenarios.

Councilmember Crowley wanted to see the issue revisited if Mr. Rubin was not successful by that time and spoke of his environmental concerns regarding the lake. Vice-Mayor Paul echoed Councilmember Crowley's comments concerning filling in portions of the lake. Councilmember Crowley referred to an item on the table to fill the parcel and asked if the Town moved forward, would that item be withdrawn. Mr. Rubin indicated that he would have an answer the following day.

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Mr. Harris spoke of some possible revisions to the plan that would accomplish some of Council's goals without losing too many FCT points. Mr. Rubin indicated that on September 1st and September 2nd, a hearing would be held to determine whether it would be approved for the grant.

Vice-Mayor Paul asked about Mr. Rubin's commission and asked that a provision be placed capping his commission at \$90,000.

Councilmember Crowley indicated that the Central Broward Water Control District passed a resolution supporting the project. Councilmember Starkey indicated she had spoken to Lisa Bombeck of Audubon, and Rob Terrell, of the CRF, who were both supportive of the project, among others.

Doris Monier thanked Council for supporting the site and the project on behalf of other residents. She read a portion of a speech she had read to the Broward County Commission.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve the contract between Richard Rubin and the Town; to amend paragraph 1 to the amount of grant applied for of 50% match to the Florida Communities Trust; paragraph 2 to cap the amount to 3% or the maximum of \$90,000, whichever is less; and reimbursement of expenses not to exceed \$6,000. Mr. Rubin accepted the terms. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Starkey - yes. (Motion carried 4-1)

9. NEW BUSINESS

9.1. Town Administrator's Evaluation Format

Director of Human Resource Management Mark Alan explained that staff had developed a form and procedure for evaluating the Town Administrator's performance. He indicated that each Councilmember would need to complete an independent evaluation and provide feedback to staff prior to the next Council meeting. Mayor Truex thanked Mr. Alan for his efforts in putting the evaluation criteria together.

Councilmember Crowley felt Mr. Willi's evaluation should be done in private on a one-on-one basis. Councilmember Hubert asked if the merit raise would be retroactive to his anniversary date. Mayor Truex indicated in the affirmative.

Vice-Mayor Paul felt that some of the criteria in the evaluation was too broad for Councilmembers to determine and suggested that wording that the evaluation based on opinion should be added. Mr. Alan explained that an evaluation was based on knowledge; however, he could add a statement in the procedures to explain this.

Mayor Truex asked that Council receive a clean copy of the form. He suggested that placement of this item be left at Mr. Willi's discretion based on upcoming agenda items.

AFFORDABLE HOUSING. Councilmember Hubert asked about the Town's efforts to find property for affordable housing. Mr. Willi advised that staff was working on this issue.

LISA STRONG. Councilmember Hubert asked Council to waive permit fees for a project for resident Lisa Strong. Mr. Willi indicated that this would be taken care of.

AIRPORT EXPANSION. Mr. Willi indicated that Ms. Chalifour was in attendance and may have been under the impression that the item was being agendaized.

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Ms. Chalifour provided Council with a brief update on Broward County Commission's meetings on the airport expansion.

Mr. Kiar indicated that he had reviewed Ms. Chalifour's contract and made some revisions and was ready to present to Council.

Councilmember Hubert asked how Ms. Chalifour's work was being tailored differently for Davie than for other municipalities. Ms. Chalifour explained that the Town needed someone to provide information to the Town's residents to advise them of how their areas would be impacted by airport expansion.

10. MAYOR/COUNCILMEMBER'S COMMENTS
VICE-MAYOR PAUL

Condolences. Vice-Mayor Paul expressed condolences at the passings of Jim Trawleski, Pembroke Pines Mayor Sue Katz, and Commissioner Fantl of Coconut Creek.

Welcome Vice-Mayor Paul welcomed Sergeant Kevin Venoma of the Florida National Guard and a resident of the Ivanhoe Community, who returned home from Iraq.

Citrus Canker. Vice-Mayor Paul asked that the Town's control number for citrus canker be closed out.

Auditing Fees. Vice-Mayor Paul asked about franchise fees due to the Town from Waste Management audits. Mr. Willi indicated that the Town recently received a good faith check in the amount of \$250,000 with regard to this issue.

Pension Reports. Vice-Mayor Paul spoke of the pension reports and felt they were timely. She indicated that she wanted to speak to staff further about the auditors.

Advisory Boards. Vice-Mayor Paul asked about the status of the Water and Environmental Advisory Board discussion requesting that the Town Clerk provide notification to advisory boards when items that may concern them will be deliberated on by Council.

Office Hours. Vice-Mayor Paul wanted to set up office hours once a month in the Ivanhoe Community Center and Shenandoah Community Center. She asked that staff assist with providing a suitable monthly date when she would be available.

Noise Ordinance. Vice-Mayor Paul spoke of the noise ordinance mentioned previously and wanted to re-address this issue with regard to working hours. Mayor Truex felt the ordinance in place was fine and simply needed to be enforced.

Diversity Fair/Tree Giveaway. Vice-Mayor invited residents to the Diversity Fair and Tree Giveaway at Robbins Lodge on the April 24th.

COUNCILMEMBER CROWLEY

Rick and Rita Case Boys and Girls Club. Councilmember Crowley was sorry he missed the Rick and Rita Case Boys and Girls Club grand opening.

Mulch Farms. Councilmember Crowley voiced his concerns about two mulch farms including one on Shotgun Road.

Citrus Canker. Councilmember Crowley asked about the status of citrus canker legislation. Mr. Kiar advised the Town had a motion pending to be heard in May 2004.

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COUNCILMEMBER HUBERT

Golf Tournament. Councilmember Hubert indicated she was planning a golf event on behalf of resident, Lisa Strong.

MAYOR TRUEX

Pine Island Ridge Annexation. Mayor Truex felt that Mr. Willi was right on target with the timeline for the Pine Island Ridge annexation. Mr. Willi advised that he was meeting with the Ridge's Annexation Committee on April 27th.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

12. TOWN ATTORNEY'S COMMENTS

Executive Session. Mr. Kiar discussed two settlements that he had received and requested a Special Executive Session prior to the next scheduled Town Council meeting at 6:00 p.m. He indicated that he, Mr. Parke and Mr. Willi would be in attendance. There were no objections from Council.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:04 p.m.

Approved_____

Mayor/Councilmember

Town Clerk

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